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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,050	03/11/2004	Sung-hee Hwang	1293.1893	4707

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EXAMINER

ALUNKAL, THOMAS D

ART UNIT	PAPER NUMBER
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2627

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/797,050	Applicant(s) HWANG ET AL.	
	Examiner Thomas D. Alunkal	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 38-41, 46-49, 60 and 61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24, 38-41, 46-49, 60 and 61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 and 07 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-24,38-41, and 46-61 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24,38-41,46-49, and 60-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Park et al (hereafter Park) (US PgPub 2004/0165496).

Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15.

Regarding claim 1, Park discloses a write once disc including a lead-in zone, a data area, and a lead-out zone (Figure 1), the disc comprising: a predetermined area storing area allocating information that indicates whether at least one section of the data area is allocated for disc defect management (Figure 1, *TDMA1*), wherein the predetermined area is formed in a temporary disc defect structure (TDDS) of a temporary defect management area (TDMA), and the area allocation information

recorded in the temporary disc defect structure (TDDS) is recorded in a defect management area (Figure 1, *TDMA1 and TDDS*, and Paragraph 0025).

Regarding claim 2, Park discloses wherein the area allocation information comprises information specifying a size of the at least one section of the data area (Figure 1, **The size of SBM contained within the TDDS*).

Regarding claim 3, Park discloses wherein the section allocated to the data area for disc defect management includes a spare area, a temporary disc defect structure (TDDS) area, a temporary defect list (TDFL) area, or the temporary defect management area (Figure 1).

Regarding claim 4, Park discloses a space bit map (SBM) information area in which data recording area information is recorded, wherein the data recording area information contains header information and a bitmap that indicates areas containing data. (Figure 1, *SBM* and Figure 4B).

Regarding claim 5, Park discloses wherein when the area allocation information is recorded in a predetermined cluster of the predetermined area, a bit of the bitmap corresponding to the predetermined cluster is recorded as a predetermined value that indicates the predetermined cluster contains data (Paragraph 0028).

Regarding claim 6, Park discloses wherein the header information comprises a finalization flag that indicates whether more data is recordable on the disc (Paragraph 0025).

Regarding claim 7, Park discloses wherein the predetermined area in which the area allocation information is recorded is the TDDS area (Figure 1, *TDDS*).

Regarding claim 8, Park discloses the defect management area (DMA) in which the area allocation information recorded in the TDDS area is copied when the data area does not include an area for disc defect management (Paragraph 0025).

Regarding claim 9, Park discloses a first temporary defect management area (TDMA) formed in the lead-in zone (Figure 1, *TDMA1*), and a second TDMA formed in the data area (Figure 1, *TDMA2*), wherein the area allocation information indicates allocation of the second TDMA to the data area, and the predetermined area in which the area allocation information is recorded is one of the first and second TDMA (Paragraph 0030).

Regarding claim 10, Park discloses wherein the first TDMA is an area in which an updated temporary disc defect structure (TDDS) is recorded at least once before ejecting the disc from a recording and/or reproducing apparatus, and the second TDMA is an area in which the updated TDDS is recorded in units of predetermined operations during which data is recorded (Figure 2 and Paragraph 0032. *Note, TDFL and TDDS are contained within the TDMA1*).

Regarding claim 11, Park discloses wherein the area allocation information is recorded in at least one cluster of the predetermined area and updated area allocation information is recorded in at least one different cluster of the predetermined area (Paragraph 0030).

Regarding claim 12, Park discloses a method of managing a data area of a write once disc (Figure 1), comprising: receiving an instruction regarding whether allocation of at least one section of the data area of the disc for disc defect management is required;

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and recording area allocation information, which indicates whether the at least one section of the data area is allocated for disc defect management, in a predetermined area of the disc (Paragraphs 0027 and 0030).

Regarding claim 13, Park discloses wherein the recording the area allocation information comprises recording information specifying a size of the at least one section of the data area (Figure 1, **The size of SBM contained within the TDDS*).

Regarding claim 14, Park discloses wherein the recording of the area allocation information comprises recording the area allocation information in a temporary disc defect structure (TDDS) area formed in at least one of a lead-in zone, the data area, and a lead-out zone of the disc (Figure 1, *TDDS*).

Regarding claim 15, Park discloses recording information regarding a data recordable area, wherein the information regarding a data recordable area comprises header information and a bit map that indicates areas containing data (Paragraph 0028).

Regarding claim 16, Park discloses wherein the recording of the information regarding the data recordable area comprises recording a bit value of the bit map corresponding to a predetermined area that contains data indicating whether the at least one section of the data area is allocated, as a predetermined value indicating an area containing data (Figure 4B and Paragraph 0028).

Regarding claim 17, Park discloses wherein the header information comprises a finalization flag that indicates whether more data is recordable on the write once disc (Paragraph 0025).

Regarding claim 18, Park discloses wherein the recording of the area allocation information recording the area allocation information to indicate the size of the at least one section as 0 when the at least one section of the data area is not allocated (Paragraph 0028).

Regarding claim 19, Park discloses recording the area allocation information, which is recorded in a temporary defect management area (TDMA), in a defect management area (DMA) (Paragraph 0025).

Regarding claim 20, Park discloses wherein the at least one section of the data area comprises at least one of a spare area, a TDDS area, a TDFL area, and the TDMA (Figure 1).

Regarding claim 21, Park discloses wherein the recording the area allocation information comprises recording the area allocation information, which indicates allocation of a second TDMA to the data area, in one of a first TDMA and the second TDMA which are formed in a lead-in zone of the disc (Figure 1, *TDMA1*).

Regarding claim 22, Park discloses Park discloses wherein the first TDMA is an area in which an updated temporary disc defect structure (TDDS) is recorded at least once before ejecting the disc from a recording and/or reproducing apparatus, and the second TDMA is an area in which the updated TDDS is recorded in units of predetermined operations during which data is recorded (Figure 2 and Paragraph 0032. *Note, TDFL and TDDS are contained within the TDMA1*).

Regarding claim 23, Park discloses updating the area allocation information by recording area allocation information, which specifies a change in a size of the at least

one section, in a predetermined area in response to a command that instructs the size of the at least one section to be changed (Paragraph 0026).

Regarding claim 24, Park discloses wherein during the recording the area allocation information, the area allocation information is recorded in at least one cluster starting from a start of the TDDS (Paragraph 0030).

Regarding method claims 38-41 and 60-61, these claims contain limitations similar to those in method claims 12-24 and are rejected over the same grounds.

Regarding write once disc claims 46-49, these claims contain limitations similar to those in write once disc claims 1-11 and are rejected over the same grounds.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ito et al (US 6,160,778) disclose an information recording medium containing defect management information. Kim et al (US 6,564,345) disclose a method for creating defect management information in a recording medium. Takashahi (US PgPub 2002/0136537) discloses an information recording medium capable of defect management. Ohata et al (US 6,469,978) disclose a rewritable optical disk with a spare area and an optical disk processing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Alunkal whose telephone number is (571)270-1127. The examiner can normally be reached on M-F 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on (571)272-7582. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thomas Alunkal



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER